

MATHIS, RIGGS & PRATHER, P.S.C.
ATTORNEYS AT LAW
500 MAIN STREET, SUITE 5
SHELBYVILLE, KENTUCKY 40065

C. LEWIS MATHIS, JR.
T. SHERMAN RIGGS
DONALD T. PRATHER
NATHAN T. RIGGS

TELEPHONE: (502) 633-5220
FAX: (502) 633-0667

E-MAIL: mrp@iglou.com

August 22, 2008

Beth O'Donnell, Executive Director
Kentucky Public Service Commission
211 Sower Blvd
P.O. Box 615
Frankfort, KY 40602

RECEIVED
AUG 27 2008
PUBLIC SERVICE
COMMISSION

Re: U.S. 60 Water District of Shelby and Franklin Counties,
Kentucky

Dear Ms. O'Donnell:

This office represents US 60 Water District of Shelby and Franklin Counties, Kentucky, Inc. ("US 60"). Please find enclosed the original and ten copies of U.S. 60's motion, together with an extra copy to be file-stamped and returned to me in the self-addressed, stamped envelope, also enclosed.

Thank you very much for your attention to this matter.

Yours Truly,

MATHIS, RIGGS & PRATHER, P.S.C.

By: 
Donald T. Prather

DTP/pm
Enclosure
Cc: William Eggen, President
Darrell Dees, Manager
Sandy Broughman, Engineer
Dtp/wtr/us60/rate/psc ltr2

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

AUG 27 2008

PUBLIC SERVICE
COMMISSION

In the Matter of:

THE APPLICATION OF U.S. 60 WATER }
DISTRICT OF SHELBY AND FRANKLIN }
COUNTIES, KENTUCKY, INC. FOR A }
CERTIFICATE OF PUBLIC CONVENIENCE }
AND NECESSITY TO CONSTRUCT, }
FINANCE, AND INCREASE RATES }
PURSUANT TO KRS 278.023 }

CASE NO. 2008-00045

MOTION

Comes U.S. 60 Water District of Shelby and Franklin Counties, Kentucky ("U.S. 60"), by counsel, and respectfully moves the Commission to eliminate the \$5.00 per month per hydrant charge previously authorized by Order of this Commission in this case dated March 7, 2008. In return for this action, U.S. 60 requests that the Commission authorize the amendment of its Rules and Regulations by the attached Tariff applying to fire departments. A redline copy showing the changes from the standard tariff is also attached. This action is requested because fire districts have greatly objected to the hydrant charge and it is believed the proposed amendment will cause only the offending fire departments to pay the cost of violation rather than force innocent departments to pay part of the cost.

Respectfully submitted,

Mathis, Riggs & Prather, P.S.C.

By: 

Donald T. Prather
500 Main Street, Suite 5
Shelbyville, Kentucky 40065
Phone: (502) 633-5220
Fax: (502) 633-0667

FOR _____
Community, Town or City

P.S.C. KY NO. _____

_____ SHEET NO. _____

CANCELING P.S.C. KY. NO. _____

_____ SHEET NO. _____

(Name of Utility)

RULES & REGULATIONS

FIRE DEPARTMENTS:

Any city, county, urban-county, charter county, fire protection district, or volunteer fire protection district ("User") may withdraw *reasonable quantities of water* from the utility's water distribution system for the purpose of fighting fires *at any time*, or for the purpose of training firefighters *as long as the training does not occur during a peak demand time for which advance notice has been communicated verbally, electronically, or in writing by the utility to the User ("Peak Demand Time")* or during a time when water usage has been restricted due to drought or other conditions ("*Restricted Water Usage*") Such usage shall be at no charge on the condition that ~~it-the~~ *the User contacts the utility as soon as possible under the circumstances when each water withdrawal begins*, maintains estimates of the amount of water used for fire protection and training during the calendar month, and reports the amount of this water usage to the utility no later than the 15th day of the following calendar month.

~~Any city, county, urban-county, charter county, fire protection district or volunteer fire protection district~~User that (1) withdraws *unreasonable quantities of water* from the utility's water distribution system for fire protection or training purposes, (2) *withdraws any quantity of water for training purposes during a Peak Demand Time or during a time of Restricted Water Usage*, or (3) *withdraws any quantity of water at any time for either fighting fires or training firefighters and fails to either contact the utility as soon as possible under the circumstances when each water withdrawal begins or fails to submit the required report on water usage in a timely manner*, shall pay the utility ~~be assessed~~ the cost of this water. *An example of an unreasonable quantity of water for fire protection purposes is an amount which damages or causes contamination of the utility's water system*

~~A non-reporting User's~~ which violates this rule usage shall be presumed to have used 0.3 percent of the utility's total water sales for the calendar month *for each violation*. ~~A non-reporting User~~ may present evidence of its actual usage to rebut the presumed usage. The utility shall consider this evidence and may adjust the presumed usage amount accordingly. *The User shall be billed for this usage at the lowest usage block rate that the utility charges regardless of customer classification. A User shall also be assessed a penalty of \$50.00 _____ for each violation of this rule. Amounts due under this rule shall be due within 30 days after billing and the utility may collect its reasonable attorney's fees paid to collect any delinquent amounts. This tariff replaces the \$5.00 per month fire hydrant rental fee*

~~The non-reporting User shall be billed for this usage at the lowest usage block rate regardless of customer classification that the utility charges.~~

~~A non-reporting User shall also be assessed a penalty of \$ _____ for violation of this rule each failure to submit a report in a timely manner.~~
Any User which damages the utility's water distribution system shall reimburse the utility for the repair cost

DATE OF ISSUE _____

MONTH/DATE/YEAR

DATE EFFECTIVE _____

MONTH/DATE/YEAR

ISSUED BY _____

(Signature of Officer)

TITLE _____

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE COMMISSION
IN CASE NO. _____ DATED _____

FOR _____
Community, Town or City

P S C KY. NO. _____

_____ SHEET NO. _____

CANCELING P.S.C. KY. NO. _____

_____ SHEET NO. _____

(Name of Utility)

RULES & REGULATIONS

FIRE DEPARTMENTS:

Any city, county, urban-county, charter county, fire protection district, or volunteer fire protection district ("User") may withdraw reasonable quantities of water from the utility's water distribution system for the purpose of fighting fires at any time, or for the purpose of training firefighters as long as the training does not occur during a peak demand time for which advance notice has been communicated verbally, electronically, or in writing by the utility to the User ("Peak Demand Time") or during a time when water usage has been restricted due to drought or other conditions ("Restricted Water Usage"). Such usage shall be at no charge on the condition that the User contacts the utility as soon as possible under the circumstances when each water withdrawal begins, maintains estimates of the amount of water used for fire protection and training during the calendar month, and reports the amount of this water usage to the utility no later than the 15th day of the following calendar month.

Any User that (1) withdraws unreasonable quantities of water from the utility's water distribution system for fire protection or training purposes, (2) withdraws any quantity of water for training purposes during a Peak Demand Time or during a time of Restricted Water Usage, or (3) withdraws any quantity of water at any time for either fighting fires or training firefighters and fails to either contact the utility as soon as possible under the circumstances when each water withdrawal begins or fails to submit the required report on water usage in a timely manner, shall pay the utility the cost of this water. An example of an unreasonable quantity of water for fire protection purposes is an amount which damages or causes contamination of the utility's water system.

A User which violates this rule shall be presumed to have used 0.3 percent of the utility's total water sales for the calendar month for each violation. A User may present evidence of its actual usage to rebut the presumed usage. The utility shall consider this evidence and may adjust the presumed usage amount accordingly. The User shall be billed for this usage at the lowest usage block rate that the utility charges regardless of customer classification. A User shall also be assessed a penalty of \$50.00 for each violation of this rule. Amounts due under this rule shall be due within 30 days after billing and the utility may collect its reasonable attorney's fees paid to collect any delinquent amounts. This tariff replaces the \$5.00 per month fire hydrant rental fee.

Any User which damages the utility's water distribution system shall reimburse the utility for the repair cost.

DATE OF ISSUE August 22, 2008
MONTH/DATE/YEAR

DATE EFFECTIVE October 1, 2008
MONTH/DATE/YEAR

ISSUED BY William Eggen
(Signature of Officer)

TITLE Chairman U.S. 60 Water Dist.

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE COMMISSION
IN CASE NO. _____ DATED _____

FOR All territories served
Community, Town or City

P.S.C. KY. NO. _____

_____ SHEET NO. _____

CANCELING P.S.C. KY. NO. _____

_____ SHEET NO. _____

U.S. 60 Water District of Shelby and
Franklin Counties, Kentucky

RATES & CHARGES

5/8 X 3/4 Inch Meter:

First	1,000 gallons	\$12.86 Minimum Bill
Next	2,000 gallons	6.41 per 1,000 gallons
Next	2,000 gallons	5.15 per 1,000 gallons
All over	5,000 gallons	4.54 per 1,000 gallons

1 Inch Meter:

First	5,000 gallons	\$35.98 Minimum Bill
All over	5,000 gallons	4.54 per 1,000 gallons

2 Inch Meter:

First	25,000 gallons	\$126.78 Minimum Bill
All over	25,000 gallons	4.54 per 1,000 gallons

Bulk User Rate:

First	1,000 gallons	\$2.70 Minimum Bill
All over	1,000 gallons	2.70 per 1,000 gallons

Wholesale Water Rates:

First	25,000 gallons	\$126.78 Minimum Bill
All over	50,000 gallons	4.54 per 1,000 gallons

Date of Issue August 22, 2008

Date Effective October 1, 2008

Issued By William Eggen

Title Chairman

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE COMMISSION
IN CASE NO. 2008-00045 DATED _____